

RESOLUTION R-24-06

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EAGLE LAKE, FLORIDA, DECLARING THE PUBLIC PURPOSE AND NECESSITY FOR EXERCISING THE RIGHT AND POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN REAL PROPERTY FOR WATER SYSTEM IMPROVEMENTS AND AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS.

**WHEREAS**, the City of Eagle Lake is in the process of planning for water system improvements, and needs to acquire certain real property in order to make such improvements; and

**WHEREAS**, certain property owners have not responded to the City's offer to purchase the property; and

**WHEREAS**, per chapter 73, Florida Statutes, the City of Eagle Lake is authorized to exercise the power of eminent domain for certain public uses and purposes; and

**WHEREAS**, the City's exercise of the power to condemn real property is for the purpose of the construction of water system improvements; and

**NOW THEREFORE, BE IT RESOLVED**, by the City Commission of the City of Eagle Lake, Florida, as follows:

**Section 1. Findings.** The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.

**Section 2. Declaration of Necessity.** The City declares the public purpose and the necessity for that purpose of acquiring, through condemnation, by right of eminent domain, fee simple title and a temporary construction easement in the real property identified in the attached Exhibit "A" for the construction of water system improvements.

**Section 3. Acquisition of Fee Simple Title.** The City is authorized to acquire, through condemnation by right of eminent domain, fee simple title and a temporary construction easement in the real property identified in the attached Exhibit "A" for the construction of water system improvements from the owner and any other persons required by law to be joined in such proceedings.

**Section 4. Institution of Legal Proceedings.** The City Attorney is authorized to institute legal proceedings to acquire, through condemnation, by right of eminent domain, fee simple title and a temporary construction easement in the real property identified in the attached Exhibit "A" and is authorized to join the owners and any other persons required by law to be joined in such proceedings. The City Attorney is authorized to employ outside counsel to assist in the acquisition as necessary.

**Section 5.** To the extent there are typographical and/or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the City Commission.

**PASSED AND ADOPTED** by the City Commission of the City of Eagle Lake, Polk County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF EAGLE LAKE, FLORIDA

\_\_\_\_\_  
SUZY WILSON, MAYOR

ATTEST:

\_\_\_\_\_  
DAWN WRIGHT, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
HEATHER R. MAXWELL

DESCRIPTION: (New Parcel)

A parcel of land being a portion of the Southeast 1/4 of the Northwest 1/4 of Section 17, Township 29 South, Range 26 East, Polk County, Florida, being described as follows:

Commencing at the southeast corner of Lot 18, CUTRONE PARK SUBDIVISION, Plat Book 39, Page 22, Public Records of Polk County, Florida; thence North 89°49'39" East, 623.65 feet to the POINT OF BEGINNING; thence continue North 89°49'39" East, 699.42 feet to the westerly maintained right-of-way line of District Line Road, as recorded in Map Book 11, Page 74, Public Records of Polk County, Florida; thence along said westerly maintained right-of-way line for the following two (2) courses; (1) thence North 00°41'43" West, 81.27 feet to the point of curvature of a curve to the left having a radius of 60.00 feet, a central angle of 89°28'33", a chord bearing of North 45°26'00" West, and a chord distance of 84.46 feet; (2) thence Northwesterly along the arc of said curve 93.70 feet to the south right-of-way line of Cutrone Road, as shown on the plat of CUTRONE-PARK UNIT No. 2, Plat Book 41, Page 4, Public Records of Polk County, Florida; thence South 89°49'44" West, along said south right-of-way line, 639.97 feet; thence South 00°41'43" East, 140.75 feet to the POINT OF BEGINNING.

Said parcel containing 2.24 acres, more or less.

